

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/562,750
Applicant : Martin Collins et al.
Confirm. No. : 7834
Filed : December 29, 2005
Examiner : N/A
Title : CABINET REFRIGERATING SYSTEM
Docket No. : ABE-39290

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO FILE APPLICATION ON BEHALF OF NONSIGNING INVENTOR
UNDER 37 CFR 1.47(a), PURSUANT 35 USC 116**

This is a petition in response to the Notice to File Missing Parts, dated February 19, 2008. Applicants hereby petition the Commissioner to accept the accompanying Declaration and Power of Attorney Documents executed by three of the four joint inventors, Martin Collins, Jack Bailey, and Józeph Nagy on behalf of themselves and on behalf of a fourth joint inventor, Dan Joslin, who is unable to be reached. The two (2) month period for response expired on April 19, 2008. Applicants hereby request and petition that the period for responding to the missing parts notice be extended for five months, up to and including September 19, 2008. Please charge the \$2,430.00 fee including the petition fee for the five month extension of time (\$2,230.00) and the petition fee under Rule 1.47(a) (\$200.00) to Deposit Account No. 16-0820, Order no. ABE-39290.

Provisions of 37 CFR 1.47(a):

37 CFR 1.47(a) states that if a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath

or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(g), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.

As set forth below, the following statements provide support for the petition by Martin Collins, Jack Bailey, and Jozeph Nagy to file application number 10/562,750 on behalf of themselves and on behalf of inventor Dan Joslin who cannot be found or reached after diligent effort.

1) The last known address of Dan Joslin

As set forth by the evidence below, the last known address of Dan Joslin is believed to be:

1 Agness Lane
New Milford, CT 06776.

A Declaration of Jeffrey J. Sopko found in Exhibit A (the “Sopko Declaration”) establishes what is believed to be the last known address of Dan Joslin. In ¶2 of the Sopko Declaration Mr. Sopko states that Exhibit 1 of his declaration includes a redacted copy of an email he received from George E. Hawranko on August 4, 2008. In the email, George E. Hawranko requests Marcia Rajkovic to assist in finding former employee Dan Joslin.

In ¶3 of the Sopko Declaration, Mr. Sopko states that Exhibit 2 of his declaration includes a copy of an email he received from Marcia Rajkovic on August 4, 2008. As set forth in the signature block of the email, Marcia Rajkovic is referred to as the “Director, Compensation & Benefits” for Electrolux Home Products, Inc. Accordingly, Marcia

Rajkovic would likely have access to the last known address of Dan Joslin. In the email, Marcia Rajkovic refers to the following address to try: 1 Agness Lane, New Milford, CT 06776.

2) Dan Joslin cannot be found or reached after diligent effort

In ¶4 of the Sopko Declaration, Mr. Sopko states that Exhibit 3 includes a copy of a letter that was sent on August 18, 2008 to Mr. Dan Joslin at the following address: 1 Agness Lane, New Milford, CT 06776. As shown in Exhibit 3 of the Sopko Declaration, the letter requested that Mr. Joslin execute (date and sign) the Declaration and Assignment forms. As set forth in ¶5 of the Sopko Declaration, Mr. Sopko states the letter included a copy of the specification and drawings of U.S. Patent Application No. 10/562,750 that was filed with the United States Patent and Trademark Office on December 29, 2005, together with a copy of a Declaration and Power of Attorney and an Assignment document for U.S. Patent Application No. 10/562,750.

In ¶6 of the Sopko Declaration, Mr. Sopko states that Exhibit 4 includes a copy of the returned envelope of the letter set forth in ¶4 of the Sopko Declaration. As shown in Exhibit 4, the letter was sent on August 20, 2008. As further shown in Exhibit 4, the letter was returned by the US Post Office with a stamp stating “Undeliverable as addressed forwarding Order Expired.” Accordingly, the evidence indicates that the forwarding address expired and that what is believed to be the last known address of Dan Joslin is not sufficient to contact Mr. Joslin by way of regular mail.

Further searching was conducted by Ivan R. Goldberg in a further effort to locate Dan Joslin. A Declaration of Ivan R. Goldberg found in Exhibit B (the “Goldberg Declaration”) establishes further diligent efforts to find or reach Dan Joslin. In ¶2 of the

Goldberg Declaration, Mr. Goldberg states that Exhibit 1 includes a copy of the results from a search he conducted on September 5, 2008. As shown in Exhibit 1 of the Goldberg Declaration, Mr. Goldberg searched “WhitePages.com” for “D Joslin, New Milford, 06776”. As shown in Exhibit 1 of the Goldberg Declaration, the searched did not produce a match.

In ¶3 of the Goldberg Declaration, Mr. Goldberg states that Exhibit 2 includes a copy of the results from another search he conducted on September 5, 2008. As shown in Exhibit 2 of the Goldberg Declaration, Mr. Goldberg searched “WhitePages.com” for “Dan Joslin, New Milford, 06776”. As shown in Exhibit 2 of the Goldberg Declaration, the searched did not produce a match.

In ¶4 of the Goldberg Declaration, Mr. Goldberg states that Exhibit 3 includes a copy of the results from yet another search he conducted on September 5, 2008. As shown in Exhibit 3 of the Goldberg Declaration, Mr. Goldberg searched “WhitePages.com” for “Daniel Joslin, New Milford, 06776”. As shown in Exhibit 3 of the Goldberg Declaration, the searched did not produce a match.

Accordingly, the Sopko Declaration and the Goldberg Declaration establish the last known address of Dan Joslin and that Dan Joslin was unable to be found or reached after diligent effort.

Summary

In light of the evidence set forth in the Declarations and for reasons set forth herein, the undersigned sets forth that the Applicants have been unable to find or reach Dan Joslin after diligent effort. Applicants therefore respectfully request that this

Appl. No. 10/562,750
Request Dated September 17, 2008

application be made by Martin Collins, Jack Bailey, and Józeph Nagy on behalf of themselves and on behalf of a fourth joint inventor, Dan Joslin.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ABE-39290.

Respectfully submitted,

PEARNE & GORDON LLP

/Stephen S. Wentsler/

Stephen S. Wentsler, Reg. No. 46,403

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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Docket No. : ABE-39290

EXHIBIT A

DECLARATION OF JEFFREY J. SOPKO

I, Jeffrey J. Sopko, hereby state and declare that:

1. I am an attorney of record in U.S. Patent Application No. 10/562,750.
2. Exhibit 1 includes a copy of an email I received on August 4, 2008 from George E. Hawranko. Portions of the email are redacted.
3. Exhibit 2 includes a copy of an email I received from Marcia Rajkovic on August 4, 2008.
4. Exhibit 3 includes a copy of a letter that was sent on August 18, 2008 to Mr. Dan Joslin at the following address: 1 Agness Lane, New Milford, CT 06776.
5. The August 18, 2008 letter set forth in ¶4 above included a copy of the specification and drawings of U.S. Patent Application No. 10/562,750 filed with the United States Patent and Trademark Office on December 29, 2005, together with a copy of a Declaration and Power of Attorney and an Assignment document for U.S. Patent Application No. 10/562,750.
6. Exhibit 4 includes a copy of the returned envelope of the letter set forth in ¶4 above.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the U.S. Patent App. No. 10/562,750.



Jeffrey J. Sopko

Date: 9/17/08

Jeffrey J. Sopko

From: George E Hawranko [george.e.hawranko@electrolux.com]
Sent: Monday, August 04, 2008 2:38 PM
To: Marcia Rajkovic
Cc: Jeffrey J. Sopko
Subject: Fw: Missing Inventors Re P-10294; Our ref. ABE 39290; US 10/562,750

Hi Marcia,

Can you help me try and find some former Electrolux employees - or, perhaps direct me to someone that may be able to help. The employees are:

Dan Joslin and Jack Bailey. Dan and Jack were engineers at St. Cloud and were co-inventors on a patent application for which we now need their signatures.

thanks,

Geo.

This message (including any attachments) contains information that may be confidential and/or privileged. It is intended only for the designated recipient(s). If you are not a designated recipient, please notify the sender by replying to this message and then deleting it from your system.

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EXHIBIT

1



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If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete it from your computer.

Jeffrey J. Sopko

From: Jeffrey J. Sopko
Sent: Tuesday, August 05, 2008 10:02 AM
To: 'Marcia Rajkovic'
Cc: Janet L. Morrison; 'George E Hawranko'
Subject: RE: Fw: Missing Inventors Re P-10294; Our ref. ABE 39290; US 10/562,750

Thank you Marcia. Jeff Sopko

-----Original Message-----

From: Marcia Rajkovic [mailto:marcia.rajkovic@electrolux.com]
Sent: Monday, August 04, 2008 3:04 PM
To: George E Hawranko
Cc: Jeffrey J. Sopko
Subject: Re: Fw: Missing Inventors Re P-10294; Our ref. ABE 39290; US 10/562,750

Here are some addresses to try:

Dan Joslin (term Feb, 2003):
1 Agness Lane, New Milford, CT 06776

Jack Bailey (term Nov., 2003):
35267 State Hwy 11, Roseau, MN 56751

Marcia Rajkovic
Director, Compensation & Benefits
Electrolux Major Appliances North America 250 Bobby Jones Expressway Augusta, GA 30907
(706) 651-7055 Office
(706) 533-9061 Cell
(706) 651-7755 Fax
marcia.rajkovic@electrolux.com

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PEARNE & GORDON
LLP

ATTORNEYS AT LAW
PATENTS • TRADEMARKS • COPYRIGHTS
INTELLECTUAL PROPERTY LITIGATION

Jeffrey J. Sopko
jsopko@pearne.com

August 18, 2008

Mr. Dan Joslin
1 Agness Lane
New Milford, CT 06776

Re: U.S. PCT-based Patent Application for
"CABINET REFRIGERATING SYSTEM"
Serial No.: 10/562,750
Filed: December 29, 2005
Our Docket No.: ABE-39290

Dear Dan:

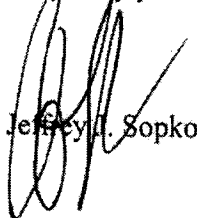
You may recall that you were a named co-inventor in the above-identified U.S. Patent Application. A copy of the complete application is enclosed for your review.

In order to proceed with the application, I need your signature on the enclosed Declaration and Assignment forms. Please execute (date and sign) the Declaration and the Assignment forms where indicated, noting that the Assignment must be notarized.

After signing the papers as indicated, please return them to me using the enclosed postage-paid envelope.

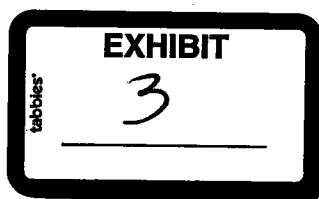
Feel free to call me with any question or concern that may arise.

Very truly yours,



Jeffrey J. Sopko

JJS:jl
Enclosures



RNE & GORDON
LLP
ST 9TH STREET • SUITE 1200
ELAND • OHIO 44114 3108

[Handwritten signature]

Mr. Dan Joslin
1 Agness Lane
New Milford, CT 06776

UNDELIVERABLE
AS ADDRESSED
FORWARDED
ORDER EXTENDED
[Illustration of a hand pointing to the text]

UNITED STATES POSTAGE
02 1P
\$04.80
0000000000 0000000000
MAIL FROM ZIP CODE 44114

EXHIBIT
4
tabbles

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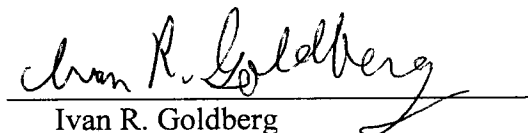
EXHIBIT B

DECLARATION OF IVAN R. GOLDBERG

I, Ivan R. Goldberg, hereby state and declare that:

1. I am an attorney of record in U.S. Patent Application No. 10/562,750.
2. Exhibit 1 includes a copy of the results from a search I conducted on September 5, 2008.
3. Exhibit 2 includes a copy of the results from another search I conducted on September 5, 2008.
4. Exhibit 3 includes a copy of the results from yet another search I conducted on September 5, 2008.
5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the U.S. Patent App. No. 10/562,750.

Date: 9/17/08


Ivan R. Goldberg

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search. find. connect.

0 Results matching "D Joslin, New Milford, 06776"

Did you mean...

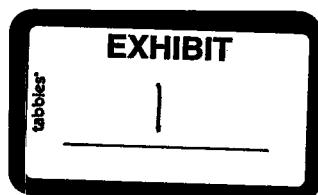
Joslin in 06776

D. Joslin in the
06776 metro area

D. Jos___ in 06776

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0 Results matching "Dan Joslin, New Milford, 06776"

Did you mean...

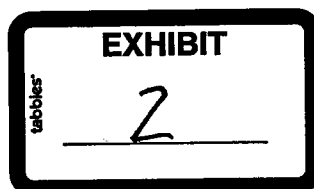
Joslin in 06776

Dan Joslin in the
06776 metro area

D. Jos___ in 06776

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0 Results matching "Daniel Joslin, New Milford, 06776"**Did you mean...**

Joslin in 06776

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